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Attorneys for Plaintiff (Movant),
REBECCA ZULIM, M.D.

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT dba TULARE REGIONAL
MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry Street
Tulare, CA 93274

Case No. 17-13797

DCN: DLM-2

Chapter 9

**DECLARATION OF DONALD L. MABRY
IN SUPPORT OF MOTION FOR RELIEF
FROM AUTOMATIC STAY UNDER
11 U.S.C. § 362**

Date: April 12, 2018
Time: 9:30 a.m.
Place: 2500 Tulare Street, 5th Floor
Fresno, CA 93721
Courtroom: 13
Department: B
Judge: Hon. René Lastreto II

I, Donald L. Mabry, declare:

1. I am an attorney at law, licensed to practice before all courts of the State of California, and am employed by Farley Law Firm, attorneys of record for plaintiff (movant) herein, Rebecca Zulim, M.D.

DECLARATION OF DONALD L. MABRY IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC
STAY UNDER 11 U.S.C. § 362

1 2. I have personal knowledge of the matters set forth herein and I make this
2 declaration of my personal knowledge, as based on court records or as otherwise noted herein. If
3 called as a witness and duly sworn to testify as to the matters set forth herein, I could and would
4 testify competently thereto.

5 3. Attached as Exhibit A is a true and correct copy of correspondence sent to my law
6 firm from the California Department of Fair Employment and Housing ("DFEH") concerning
7 Movant Rebecca Zulim, M.D., including a "Notice of Case Closure and Right to Sue" letter
8 issued to Rebecca Zulim, M.D., dated October 31, 2017. Also included with the DFEH
9 correspondence is a copy of Rebecca Zulim, M.D.'s complaint filed with the DFEH naming
10 Tulare Local Healthcare District dba Tulare Regional Medical Center as a Respondent, among
11 others.

12 4. In substance, and as more completely set forth in the complaint filed with the
13 DFEH, Movant alleges claims against Debtor, and others, arising out of circumstances in which
14 she was effectively suspended by Debtor in retaliation for cooperating with California officials
15 investigating Debtor's patient care policies and procedures, a protected activity under California
16 Health & Safety Code § 1278.5 (a "Whistleblower" statute). Movant also alleges denial of due
17 process by Debtor, and others, because her effective suspension occurred without the physician
18 peer review process required by Debtor's Bylaws.

19 5. I have reviewed documents filed in the above-captioned bankruptcy proceeding,
20 including but not limited to motions for relief from the automatic stay filed by others. In
21 connection with a motion for relief from the automatic stay filed under Docket Control Number
22 ASM-1 [Docket Entry No. 60], which was later granted by the Court [Docket Entry Nos. 247 and
23 257] sworn testimony was submitted to the Court regarding Debtor's insurance status [Docket
24 Entry No. 63, page 2; Docket Entry No. 64, page 22], in which Debtor's insurance status is
25 represented as follows:
26

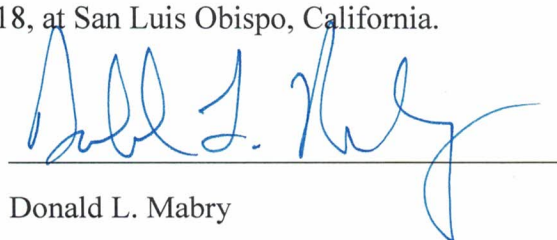
27 Pursuant to Government Code Section 6500 et seq. and Section 990 et seq., BETA
28 Healthcare Group Risk Management Authority administers risk-sharing pools

1 under a joint powers agreement. Tulare District Hospital is a Member of this risk-
2 sharing pool with \$10,000,000 limit of liability. The custodian of the coverage is
3 BETA HealthCare Group, 1443 Danville Boulevard, Alamo, California, 94507,
4 (925) 838-6070.

5 6. The California state court action Movant seeks to commence and prosecute against
6 Debtor, and others, does not seek to enforce any judgment obtained against Debtor personally or
7 Debtor's bankruptcy estate. Movant does not seek recovery from any property of Debtor. Movant
8 seeks recovery from Debtor only from Debtor's insurance, if she proves the allegations in her
9 action.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed this 13th day of March, 2018, at San Luis Obispo, California.

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16 Donald L. Mabry